

Appl. No. 10/723,515
Amtd. dated January 6, 2006
Reply to Office Action of October 6, 2005
Attorney Docket 17515

REMARKS/ARGUMENTS

Claims 1-12 are currently pending for examination. Claim 3 is currently amended.
No new matter has been added.

Rejection of Claims 1 and 2 under 35 U.S.C. 102

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Barnhart (5,447,331).

In order for a reference to be an anticipatory reference, the reference must disclose each and every element of the claimed invention. It is respectfully submitted that Barnhart does not teach or suggest all the elements recited in the claims.

The Examiner indicates that Barnhart in column 2, lines 23-37 discloses "an angle sensor for supplying a signal indicative the angular position of the operating arm about the vertical axis with respect to the bottom chassis," as is presently claimed in Claim 1.

Applicant respectfully submits that Barnhart fails to teach said element as claimed in Claim 1.

The section of the Barnhart patent referenced by the Examiner appears to teach 2 different ways to sense oscillation of an axle with respect to the chassis. One method utilizes a hydraulic sensor and the other method an electric sensor. In either case described, the sensor is positioned between the chassis and the axle to give an indication of the angular displacement between the axle and chassis. No means or concern with monitoring the angle between an operating arm and the chassis is mentioned in the cited reference.

Claim 1 as originally submitted in part claims "an angle sensor for supplying a signal indicative of the angular position of said operating arm about said vertical axis with respect to said bottom chassis" (emphasis added). At minimum, Barnhart as noted fails to disclose any means or concern with measuring or monitoring the angular position of the operating arm about the vertical axis with respect to the chassis as claimed in Claim 1 and as such fails to disclose each and every element of the claim. Therefore, Claim 1 should be allowed over the cited reference of Barnhart for at least the reasons given. Claim 2 depends from Claim 1 and should be allowed for at least the same reasons as Claim 1. Withdrawal of the rejection is respectfully requested.

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Allowable Subject Matter

Applicant gratefully acknowledges Examiner's indication that Claims 3-12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 has been rewritten in independent form including all of the limitations of the base claim and any intervening Claims from which it previously depended. As such, independent Claim 3 as well as Claims 4-8 which depend from Claim 3 should be allowed. Withdrawal of the objection of Claims 3-8 is respectfully requested.

Claims 9-12 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9-12 depend from Claim 1 which is believed to be in condition for allowance. Accordingly, Applicant respectfully submits that claims 9-12 are also in condition for allowance. Withdrawal of the objection is respectfully requested.

All the claims are now believed to be in condition for allowance, early notification of which is greatly appreciated. The Examiner is invited to call the undersigned if an interview would advance the prosecution of the case. No fee is currently believed due, however, if any fee is determined to be due, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-0780.

Applicants' undersigned attorney may be reached at the phone and fax numbers listed below.

Respectfully submitted,



Stephen A. Bugnianeri
Attorney for Applicant(s)
Reg. No. 54, 928
Date: January 6, 2005

(717) 355-4954 Phone
(717) 355-3107 Fax